

In the matter of

Sale of 15 Simmons Media Group radio  
stations to Bonneville International Corp.

Bonneville International Corporation, the Media arm of the Church of Jesus Christ of Latter Day Saints, aka the Mormon Church, has announced its intention to buy 15 radio stations from Simmons Media Group for 173.5 million dollars. This sale would violate FCC antimonopoly rules and would require a waiver or change in FCC rules. The deal would give the Mormon Church three of the five top-rated radio stations in Salt Lake City.

The Mormon Church already owns KSL-TV and KSL-AM, and controls Salt Lake's two daily newspapers through the Newspaper Agency Corporation. The Church also owns educational TV and radio stations and cable TV channel 34.

All the stations in the sale are located in the Intermountain area and would further cement the media monopoly the Church currently has. It owns KCSG-TV channel 4 in Cedar City and St. George, and this would give it two AM and two FM stations in this small community. It also would take over five FM and three AM stations in the Pocatello-Idaho Falls area.

The people of Utah have a right to be protected from a degree of media concentration that is repugnant to antitrust principles and inconsistent with the Communication Act's goal of providing for the expression of diverse views. In *Red Lion Broadcasting Co. v. FCC* (395 US 367, 390, (1969)) it states:

"It is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas in which the truth will ultimately prevail, rather than to countenance monopolization of that market, whether it be by government itself or a private licensee ... it is the right of the public to receive suitable access to social, political, esthetic, moral and other ideas and experiences which is crucial here."

Many Utahns are concerned that Church media is often used to propagate the Mormon religion, protect it from outside scrutiny, and exert undue influence on matters of public importance. We no longer have recourse to a "Fairness Doctrine" to provide balance.

The 1996 Telecommunications Act instructed the FCC to revise some ownership rules and waiver policies, but the newspaper/broadcast cross-ownership rule was not among the ownership rules it should reconsider. Furthermore the US Supreme Court has upheld the FCC's diversity rationale supporting its newspaper/broadcast cross-ownership policies.

The sale of Simmons Media Group radio stations to Bonneville International Corporation includes an unbuilt AM station to be broadcast at 820 kHz. To qualify for a waiver under the "unbuilt station" standard, the applicant must show that; (1) the combination will result in the construction of the authorized but as yet unconstructed stations; (2) the permittee has made reasonable efforts to construct; and (3) the market buyer is the only entity willing and able to operate the station, and sale to an out-of-market buyer is impossible except at an artificially depressed price. 47 CFR sec. 73.3555 note 7(3) Simmons Media Group could build and operate this station and has not sought an out-of-market buyer for this station.

Past experiences with Mormon Church media have led many Utahns to be wary. This is the Church that bought historical documents from notorious forger/bomber Mark Hoffman to keep them out of public view, and aired a groundless story on KSL-AM that Gary Sheets, husband of one of the bombing victims, was having marital problems, misleading the public into thinking Sheets may have had something to do with the bombings, to spare the Church from scandal. Also KSL-TV aired a groundless story about financial problems at Foothill Financial that created a run on its assets and led to its closing.

Even today KSL-TV refuses to air Saturday Night Live and recently took the Jay Leno Show off the air for one night because the content..

The Simmons Media Group could sell its holdings to other buyers, but the Mormon Church wants these properties to add to its monopoly, and only they can wield the power to make it worth the selling price of \$173.5 million. For the Mormon Church, this is a small price to pay to control the free flow of information in Utah.

The intention of the LDS Church to censor the free flow of information is revealed in a recent decision of Deseret Book, which is solely owned by the LDS Church. Deseret Book's recent decision not to stock copies of the Last Promise by Richard Paul Evans, a mild Mormon writer, is part of a new policy that would bring into question whether the book store could sell classics like, The Scarlet Letter, The Grapes of Wrath, Pride and Prejudice, and Wuthering Heights. Given a consistent pattern of such behavior, many Utahns do not want this owner to get 15 more radio stations and have that much more power to restrict their access to news. The Mormon Church does not currently lack access to media outlets to air its opinions.

We have tried to give specific evidence of injuries to the general public, but public-spirited groups and individuals often cannot muster sufficient resources to conduct even limited monitoring of program content. In many cases, information can only be obtained through governmental actions or subpoenas.

However an alternative approach was spelled out in Office of the Communication of the United Church of Christ v. FCC No. 19,409 (D. C. Cir. June 20 1969):

"Public Intervenor, who is seeking no license or private right is, in this context, more nearly like a complaining witness who presents evidence to police or a prosecutor whose duty it is to conduct an affirmative and objective investigation of all the acts and to pursue his prosecutorial or regulatory function if there is probable cause to believe a violation has matters."

We hope the FCC will come to the rescue of the Utah public. The FCC's dual goals of competition and diversity will not be served by the sale of 15 Simmons Media Group radio stations to Bonneville International Corporation. Utahns pray relief from the FCC by granting this petition to deny sale.

Richard Max Andrews

861 North Sir Philip Drive

Salt Lake City, Utah 84116-1548

(801)359-1519 Home

(801)718-7930 Cell